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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,094	07/10/1998	KIA SILVERBROOK	IR14US	7673

7590

10/04/2002

KIA SILVERBROOK  
SILVERBROOK RESEARCH PTY LTD  
393 DARLING ST  
2041 BALMAIN NSW, 2041  
AUSTRALIA

EXAMINER

YE, LIN

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/113,094

Applicant(s)

SILVERBROOK, KIA

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/25/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The substitute specification filed 7/25/02 has not been entered because it does not conform to 37 CFR 1.125(b) because:

The lengthy listing of "related" applications does not add anything of value to the specification. Oppositely, the listing creates confusion in that it is not clear what, if anything, each is meant to add to the disclosure. The applicant is free to submit the listing as an information disclosure statement or as an appendix. It is important to note that, absent specific discussion as to the relevance of the cited applications, the documents **have not** been considered by the Examiner.

### *Response to Arguments*

2. Applicant's arguments filed 7/25/02 have been fully considered but they are not persuasive as to claims 1-4.

For claim 1, the applicant argues that the invention as claimed the printer and imaging system in a handheld device. Vogel does not contemplate such an arrangement. The examiner agrees. However, the only place state this arrangement ("portable camera system") is in the preamble of amended claim 1. The preamble does not anticipate this claim. In order to give the preamble patentable weight, the preamble must be "essential to point out the invention defined by the claim." (Kropa v. Robie, 187 F.2d 150, 88 USPQ 478, 481 (CCPA 1951)).

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The applicant also argues the Vogel reference does not states the image sensor device to sense a second image in rapid succession to a first image, and using the second image to provide output is based on the determined color characteristics of said first image. The examiner disagrees. In order the Vogel's digital camera system (10) to perform the color correction by using the color-correction matrix coefficients, inherently the system must capture first (test) image and using the color chart (72) under the specified illuminant (74) to determine color characteristics of first image as shown in Figure 7 (See Col. 7, lines 28-52). It stores color characteristics of the first image to the matrix coefficient memory (36). Next, the system applies color correction (color correction matrix 40) to second image in rapid succession based on the determined color characteristics (matrix coefficient memory 36) of said first image as shown in Figure 4 (See Col. 6, line 18-46).

For claim 2, it is rejected under 35 USC 103 as being unpatentable over Vogel as presented in the last Office action, mailed 3/4/2002, concerning digital image sensing to sense the next image with one second from the previously sensed image. Miyagawa et al. U.S. Patent 6,281,533 is cited herein as evidence to support examiner's taking of Official Notice; See Col. 19, lines 61-65, clearly states a high performance compact still digital camera system (Figure 25) that can take a number of pictures successively **within a second**. This means the second image is sensed within 1 second of first image. Col. 19, lines 60-67 and Col. 20, lines 1-3 sets forth the motivation to keep the image readout rate short within 1 second in the digital camera art.

*Claim Rejections - 35 USC § 102*

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Vogel U.S. Patent 5,668,596.

Referring to claim 1, the Vogel reference discloses in Figures 3-4, 7 and 8, a digital camera system includes an image sensor device (20) for sensing an image, a digital processor (12) for processing sensed image, and a printer (18 as shown in Figure 8) for printing out sensed image (inherently the printer must have a pinhead to print image on the printer paper). (See Col. 5, lines 1-45). The digital processor (12) has color correction matrix (40) for color correcting a sensed image to be printed out by printer (18). In order the Vogel's digital camera system (10) to perform the color correction by using the color-correction matrix coefficients, inherently the system must capture first (test) image and using the color chart

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(72) under the specified illuminant (74) to determine color characteristics of first image as shown in Figure 7 (See Col. 7, lines 28-52). It stores color characteristics of the first image to the matrix coefficient memory (36). Next, the system applies color correction (color correction matrix 40) to second image in rapid succession based on the determined color characteristics (matrix coefficient memory 36) of said first image as shown in Figure 4 (See Col. 6, line 18-46), and prints out the color corrected image (See Col 5, lines 2-10).

Referring to claim 3, normalization process (78) exams the intensity characteristics of the first image as shown in Figure 7 (See Col 7, lines 45-52).

Referring to claim 4, color transformation (79) determines a maximum and minimum intensity of first image and utilizes intensities to rescale the intensities of next image as shown in Figure 7 (See Col 7, lines 53-59).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel U.S. Patent 5,668,596 in view of Miyagawa et al. U.S. Patent 6,281,533.

Referring to claim 2, the Vogel reference discloses in Figures 3, 7 and 8, a digital camera system includes an image sensor device (20) for sensing an image, a digital processor (12) for processing sensed image, and a printer (18) for printing out sensed image. (See Col. 5,

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lines 1-45). The digital processor (12) has color correction matrix (40) for color correcting a sensed image to be printed out by printer (18). The camera system captures an image of the color chart (72) to determine color characteristics of a first sensed image as shown in Figure 7 (See Col. 7, lines 51-52). It utilizes the image sensor device (20) to sense a second image, in rapid succession to first image (See Col. 7, lines 60-67 and Col. 8, lines 1-5). It also applies color correction methods to the second image based on the determined color characteristics of first sensed image and prints out the image (See Col 5, lines 2-45).

Vogel does not explicitly state that exactly time for the image sensor to sense a second image from first image.

The Miyagawa et al. reference discloses in Col. 19, lines 61-65, clearly states a high performance compact still digital camera system (Figure 25) that can take a number of pictures successively **within a second**. This means the second image is sensed within 1 second of first image. Col. 19, lines 56-58 sets forth the motivation to keep the image readout rate short within 1 second in the digital camera art for reducing power consumption level and a low voltage level and produce high quality pictures with a good S/N ratio. For that reason, it would have been obvious to see Vogel's camera system has this kind of ability.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,  
Arlington, VA., Sixth Floor (Receptionist).

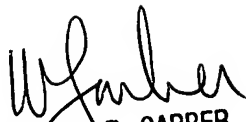
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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Lin Ye  
September 30, 2002

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600